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DIRECTOR OFFICE
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In re Application of: William Telesco
Application No. 10/811,618
Filed: March 29, 2004
For: CONTROLLER AND RESOURCE
MANAGEMENT SYSTEM AND METHOD
WITH IMPROVED SECURITY FOR

) DECISION ON PETITION TO MAKE
) SPECIAL UNDER M.P.E.P. §708.02 (X)
) & (XI): INVENTIONS RELATING TO
) HIV/AIDS AND CANCER;
) COUNTERING TERRORISM
)

This is a decision on the petition, filed April 4, 2005, which is being treated as a petition under 37 C.F.R. 1.102(d) and M.P.E.P. §708.02 (X) and as a petition under 37 C.F.R. 1.102(d) and M.P.E.P. §708.02 (XI): Inventions relating to HIV/AIDS & Cancer; and Countering Terrorism, respectively, to make the above-identified application special.

The petition filed under 37 C.F.R. 1.102(d) and M.P.E.P. §708.02 (X) is **DISMISSED**.

The petition filed under 37 C.F.R. 1.102(d) and M.P.E.P. §708.02 (XI) is **DISMISSED**.

Applicants who desire that an application relating to HIV/AIDS or cancer, under 37 C.F.R. 1.102(d), and M.P.E.P. §708.02, Section (X), should file a petition and the fee under 37 CFR 1.17(h) requesting the U.S. Patent and Trademark Office to make the application special. The petition for special status should be accompanied by a statement explaining **how the invention contributes to the diagnosis, treatment or prevention of HIV/AIDS or cancer** [emphasis added].

The claimed invention and specification are generally directed to a controller and resource management system and method for independently controlling and managing a computer system having improved security.

In the petition, Applicant merely states that the present invention allows “to freely share online the results of all research conducted ... in the quest to find causes and cures for cancer and autoimmune diseases”. Therefore, the Petitioner submission fails to establish a sufficient nexus between the disclosed and claimed invention and how the invention “contributes to the diagnosis, treatment or prevention of HIV/AIDS or cancer”, as is required.

M.P.E.P. §708.02 (XI), which sets forth the prerequisites for a grantable petition for Inventions For Countering Terrorism under 37 C.F.R. § 1.102(d), states in relevant part:

International terrorism as defined in 18 U.S.C. 2331 includes “activities that - (A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; [and] (B) appear to be intended - (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by assassination or kidnapping...” The types of technology for countering terrorism could include, but are not limited to, systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems.

Applicants who desire that an application relating to inventions for countering terrorism be made special should file a petition with the petition fee under 37 CFR 1.17(h) requesting the U.S. Patent and Trademark Office to make the application special. The petition for special status should be accompanied by a statement explaining how the invention contributes to countering terrorism.

Petitioner's submission fails to meet the criteria set out with respect to countering terrorism in M.P.E.P. §708.02 (XI). Initially, it is noted that only one fee payment (\$130.00) was enclosed along with the filing of the petition(s). Each section of M.P.E.P. 708.02 (X & XI) require a separate petition fee (under 37 CFR 1.17(h)) of \$130.00. Therefore, the single fee enclosed has been applied to the petition under M.P.E.P. §708.02(X), see above discussion.

Further, the claimed invention and specification are generally directed to a controller and resource management system and method for independently controlling and managing a computer system having improved security.

Petitioner does not establish a sufficient nexus between the disclosed and claimed invention and preventing “violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State” or activities “that would be a criminal violation if committed within the jurisdiction of the United States or of any State”, or preventing acts that appear to be intended to intimidate or coerce a civilian population, influence the policy of a government by intimidation or coercion, or affect the conduct of a government by assassination or kidnapping.

As a result, no advancement in the technology of countering terrorism has been persuasively shown.

Accordingly, the petition filed April 4, 2005, under 37 C.F.R. 1.102(d) and M.P.E.P. §708.02 (X) is **DISMISSED**.

Additionally, the petition filed April 4, 2005, under 37 C.F.R. 1.102(d) and M.P.E.P. §708.02 (XI) is **DISMISSED**.

Any request for reconsideration must be filed within TWO MONTHS of the mailing date of this decision. Any inquiries related to this decision may be directed to the undersigned.

It is suggested that Applicant review M.P.E.P. §708.02 regarding other grounds available for filing a petition to make special. In particular, note M.P.E.P. §708.02(VIII): Accelerated Examination, which does not place limitations on the subject matter of the application.



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